

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPLICATION NO. 1379 OF 2016
in
CRIMINAL APPEAL NO. 628 OF 2016**

Dastgeer Aappaso KalvantApplicant/Appellant
(original accused No.6)

versus

The State of Maharashtra through
Gadhinglaj Police Station, KolhapurRespondent

**with
CRIMINAL APPLICATION NO. 1380 OF 2016
in
CRIMINAL APPEAL NO. 629 OF 2016**

Anvar Aappaso KalvantApplicant/Appellant
(original accused No.2)

versus

The State of Maharashtra through
Gadhinglaj Police Station, KolhapurRespondent

**with
CRIMINAL APPLICATION NO. 1326 OF 2016
in
CRIMINAL APPEAL NO. 240 OF 2015**

1. Chandrakant Maruti Naik &Applicants/Appellants
2. Sidhagonda Ranappoa Lingoji @ Vibhuti (original accused Nos.1 & 5)

versus

The State of Maharashtra through
Gadhinglaj Police Station, KolhapurRespondent

Mr. Y. M. Chaudhry, advocate for the applicant in criminal application
Nos. 1379 and 1380 of 2016.

Mr. J. J. Bardeskar, advocate for the applicant in criminal application No.
1326 of 2016.

Ms. R. M. Gadhvi, APP for the State.

Ms. Gauri Rao, advocate for the intervenor/applicant in criminal
application No.1428 of 2016.

**CORAM : RANJIT MORE &
SMT.ANUJA PRABHUDESSAI, JJ.**

DATE : 30th MARCH 2017.

P. C. :

Since Mr. Chaudhry, learned counsel is appearing for the applicants in criminal application Nos. 1379 and 1380 of 2016, the appearance of Mr. Prosper Dsouza, advocate appointed under Legal Services Authorities Act is discharged.

2. The applicant in criminal application No. 1379 of 2016 is accused No.6, the applicant in criminal application No. 1380 of 2016 is accused No.2 and the applicants in criminal application No. 1326 of 2016 are the original accused Nos. 1 and 5. All the applicants are charged with offences punishable under Sections 302, 364A read with Section 34 and 201 of the Indian Penal Code, 1860. The applicants are acquitted of offences under Sections 302 and 364A and 201 of the Indian Penal Code, 1860. However, they are convicted of offences punishable under Section 364 read with Section 34 and sentenced to suffer rigorous imprisonment for a period of seven years. The applicants are taken into custody on 26th December, 2012 and 27th December, 2012 respectively and till today, they are in custody. Thus, substantial part of the sentence is already undergone by the applicants. That apart, the original accused Nos. 3, 4, 7 & 8 were also convicted for the offences punishable under Section 364 read with Section 34 of the Indian Penal Code, 1860. They preferred criminal application Nos. 1065 of 2015 and 1191 of 2016. Both these applications came to be decided by the Division Bench of this Court by orders dated 27th July, 2016 and 13th October, 2016, respectively. After hearing the learned counsel for said

applicants, the intervenor and learned APP, the Division Bench of this Court was pleased to release those applicants on bail during the pendency of the appeals. The role attributed to original accused Nos. 3, 4, 7 and 8 and the present accused is one and the same. The present applicants are, therefore, entitled to bail on the ground of parity. We, therefore, allow the bail applications on the following terms and conditions:

1. The applicants be released on bail on furnishing bail bonds in the sum of Rs.50,000/-(Rupees Fifty Thousand Only) by each one of them with one or two solvent sureties in the like amount to the satisfaction of the Sessions Judge, Gadhinglaj, Kolhapur.
2. The applicants shall attend Gadhinglaj Police Station on first Sunday of every month during the pendency of the appeals.
3. The applicants shall remain present at the time of final hearing of the above appeals.

The criminal bail applications stand disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)

[RANJIT MORE, J.]